

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SEAN SARVIS,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

CASE NO. 14-cv-05256 BHS JRC

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 17.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and ORDER that the above-captioned case

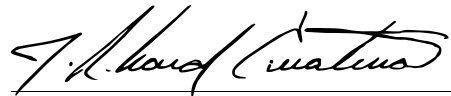
1 be REVERSED and REMANDED for further administrative proceedings, including the  
2 opportunity for a *de novo* hearing, pursuant to sentence four of 42 U.S.C. § 405(g).

3 Based on the stipulation of the parties, on remand, the administrative law judge (ALJ)  
4 shall (1) consider further claimant's maximum residual functional capacity in specific functional  
5 terms, with specific reference to the opinion evidence of record in support of the assessed  
6 limitations, and clearly articulate the weight accorded such evidence; (2) if necessary, consult a  
7 medical expert to determine the nature, severity, and limiting effects, if any, of medically  
8 determinable impairments; and (3) in so doing, evaluate further claimant's subjective complaints  
9 pursuant to SSR 96-7p. The ALJ shall also reevaluate the step 5 findings and obtain  
10 supplemental vocational expert testimony to clarify the effect of the assessed limitations on the  
11 occupational base, if necessary.

12 The parties have stipulated that plaintiff is entitled to reasonable attorney fees, expenses  
13 and costs pursuant to 28 U.S.C. § 2412(d), following proper request to this Court.

14 Given the facts and the parties' stipulation, the Court recommends that the District Judge  
15 immediately approve this Report and Recommendation and order the case be **REVERSED** and  
16 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

17 Dated this 10th day of September, 2014.

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20 J. Richard Creatura  
21 United States Magistrate Judge  
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